IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25264 of 2008
ARUN SHARMA
Versus
STATE OF BIHAR

02/ 21-07-2008 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is an accused in a case under Sections 302 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is that Manoj Sharma and two others came and took away informant's brother Rakesh kumar Akela. After one and half hours the informant heard sound of firing. He thereafter received information that Rakesh Kumar Akela has been killed.

Learned counsel referred to para nine of the bail application and submitted that during course of investigation Mukesh Sharma was examined by the Police and he has specifically stated that one Sunil Sharma fired which hit Rakesh Kumar Akela as a result of which he fell down and died. As regards the petitioner he only stated that he was firing towards Thakurwari. Learned counsel thus submitted that the petitioner is not the assailant of the deceased. He further submitted that Manoj Sharma and Ram Uchit Sharma have been allowed bail by this Court.

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In the facts and circumstances of the case, the petitioner, namely, Arun Sharma is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.K. Gupta, Judicial Magistrate, Ist Class, Gaya in connection with Belaganj P.S. Case No. 32 of 2003.

S.Sb/- **(Madhavendra Saran, J.)**